

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

WILLIE DENNIS,

Defendant.

20-cr-623 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

This order concerns subpoenas that defendant *pro se* Willie Dennis seeks to serve on third-party witnesses.

A defendant must seek leave of Court before attempting to serve a subpoena on a third-party witness. See United States v. Weigand, 520 F. Supp. 3d 609, 611 (S.D.N.Y. 2021) (“[A] defendant must seek leave of Court before issuing a subpoena for documents returnable before trial.”); see also United States v. Nixon, 418 U.S. 683, 695 (1974) (providing that a third-party subpoena must seek information that is (1) relevant, (2) admissible, and (3) specific); United States v. Tucker, 249 F.R.D. 58, 66, (S.D.N.Y. 2008) (forbidding third-party subpoenas that are “unreasonable or oppressive”). However, on August 2, 2022, Judge Schofield (to whom this case was previously assigned) ordered that Mr. Dennis “is entitled to have subpoenas for witnesses and documents necessary to his defense served without prior approval by the Court,” ECF No. 67 (emphasis added). While it is unclear whether that order merely referenced the fact that, once the content of a subpoena had been approved by the

Court, no further order was required for service to be effected, in any event it could not have meant that Mr. Dennis was being given carte blanche by Judge Schofield to propound any subpoenas he wished, for in the following weeks, Judge Schofield began to review Mr. Dennis's subpoena requests, three of which she then granted on August 11, 2022. ECF No. 73.

In any event, after this case was reassigned to the undersigned, at a pretrial conference held on August 18, 2022, this Court told Mr. Dennis that he must submit any subpoenas to the Court for approval. Conference of Aug. 18, 2022, Tr. 19:21-21:9. Subsequently, the Court reviewed, approved, and personally signed eight of Mr. Dennis's subpoenas. However, after Mr. Dennis then submitted a subpoena that was improper on its face, on August 30, 2022, the Court issued an email order requiring Mr. Dennis to substantiate any further subpoenas with an explanation of why the information sought would be at least facially relevant, legally permissible, and not unduly burdensome to produce. On September 6, 2022, the Court approved four additional subpoenas requested by Mr. Dennis, even though their relevance appeared dim.

Since the number of subpoenas approved for service had by then become very large, and their burdens disproportionate to their use, the Court, on September 6, 2022, further informed Mr. Dennis that any additional subpoenas must be submitted to the Court by 5:00 PM on Friday, September 9, 2022. That deadline has now passed. So, while the Court expects that it will, upon review, approve Mr.

Dennis's four additional subpoena requests, now outstanding, no additional subpoena requests by Mr. Dennis shall be hereafter approved.

SO ORDERED.

New York, NY
September 9, 2022


JED S. RAKOFF, U.S.D.J.